

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

OPEN SESSION AGENDA

Friday, August 27, 2004
(9:30 am - 12:30 and 1:30 - 4:45 pm)

Saturday, August 28, 2004
(9:00 am - 5:00 pm)

State Bar of California—Los Angeles
1149 South Hill Street
Los Angeles, CA 90015
(213) 765-1000

[NOTE RE MEETING SITE: For members of the public, the open session of this meeting also can be accessed by video-conference from the State Bar Office in San Francisco at 180 Howard Street, Room 8B. Members of the public who wish to attend this meeting at either site are asked to call Audrey Hollins at 415-538-2167.]

I. APPROVAL OF OPEN SESSION ACTION SUMMARIES FROM THE MAY 7 & 8, 2004 AND JULY 9, 2004 MEETINGS

(Draft action summary for the May 7 & 8, 2004 and July 9, 2004 meeting to be circulated prior to the August meeting.)

II. REMARKS OF CHAIR

A. Chair's Report

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

B. Staff's Report

(Staff will report on the activities of COPRAC and the Board of Governors.)

III. **MATTERS FOR ACTION** (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

*Tuft
Betzner
Martinez
Peck

A. **Consideration of Rule 5.4. Professional Independence of a Lawyer (aka Rule 1-310X)**

[anticipated 1-hour discussion]

(Materials enclosed.) [pages 1 -30]

All Commission members are assigned to review the materials and send any comments to the co-drafters by 2:00 PM on Monday, August 16, 2004. Only matters raised in these comments will be considered at the August meeting. All other matters are subject to being deemed approved as presented by the co-drafters.)

*Tuft
Betzner,
Martinez,
Peck

B. **Consideration of Rules: 1-300 (Unauthorized Practice of Law); 1-320 (Financial Arrangements With Non-Lawyers); and 1-600 (Legal Service Programs)**

[anticipated 1-hour discussion]

(No materials enclosed. The chair has authorized a supplemental mailing for late materials for this item. Co-drafters are assigned to submit materials for this item to staff by 2:00 pm on August 10th, to be included in the supplemental mailing. The chair has requested that lead drafters confer with co-drafters in the development of materials.)

*Lamport,
Julien,
Vapnek

C. **Consideration of Rule 2-200. Financial Arrangements Among Lawyers**

[anticipated 1-hour discussion]

(Materials enclosed.) [pages 31-36]

In addition to the materials enclosed, refer to materials previously distributed for the July 9th meeting, item III.G. In accordance with the assignment given to all Commission members, the only issues to be discussed at the August meeting are the enclosed comments that were received by the July 30th deadline and the comments previously received from Ellen Peck, Jerry Sapiro, Kurt Melchior, Nancy Moore, and Becky Stretch. All other matters are subject to being deemed approved as presented by the co-drafters.)

*Melchior
Sapiro

- D. Consideration of Proposed New Rule or Amended Rule Prohibiting a Request or Agreement to Waive the Attorney-Client Privilege**
[anticipated 1/2-hour discussion]
(No materials enclosed. The chair has authorized a supplemental mailing for late materials for this item. Co-drafters are assigned to submit materials for this item to staff by 2:00 pm on August 10th, to be included in the supplemental mailing. The chair has requested that lead drafters confer with co-drafters in the development of materials.)

*Mohr
George
Julien
Ruvolo

- E. Consideration of Rule 1-400. Advertising and Solicitation**
[anticipated 1-hour discussion]
(Materials enclosed.) [pages 37-80]
All Commission members are assigned to review the materials and send any comments to the co-drafters by 2:00 PM on Monday, August 16, 2004. Only matters raised in these comments will be considered at the August meeting. All other matters are subject to being deemed approved as presented by the co-drafters.)

*Lamport
Julien
Melchior

- F. Consideration of Rule 1-100. Rules of Professional Conduct, in General**
[anticipated 1-hour discussion]
(Materials enclosed.) [pages 81-84]
The chair has authorized a supplemental mailing for late materials for this item. Co-drafters are assigned to submit materials for this item to staff by 2:00 pm on August 10th, to be included in the supplemental mailing. The chair has requested that lead drafters confer with codrafters in the development of materials.)

*Betzner
Mohr

- G. Discussion of Rule Numbering System**
[anticipated 1-hour discussion]
(No materials enclosed. The chair has authorized a supplemental mailing for late materials for this item. Co-drafters are assigned to submit materials for this item to staff by 2:00 pm on August 10th, to be included in the supplemental mailing. The chair has requested that lead drafters confer with co-drafters in the development of materials.)

*Voogd,
Peck

H. Consideration of Proposed New Rule re Honesty in Billing [Formerly “Recording Time”]

[anticipated 1/2-hour discussion]
(Materials enclosed.) [pages 85-86]

All Commission members are assigned to review the materials and send any comments to the co-drafters by 2:00 PM on Monday, August 16, 2004. Only matters raised in these comments will be considered at the August meeting. All other matters are subject to being deemed approved as presented by the co-drafters.)

*Martinez,
Betzner,
Voogd

I. Consideration of Rule 2-100. Communication With a Represented Party

[anticipated 1-hour discussion]
(Materials enclosed.) [pages 87-98]

All Commission members are assigned to review the materials and send any comments to the co-drafters by 2:00 PM on Monday, August 16, 2004. Only matters raised in these comments will be considered at the August meeting. All other matters are subject to being deemed approved as presented by the co-drafters.)

*Melchior
Martinez
Sapiro

J. Consideration of Rule 2-300. Sale or Purchase of a Law Practice of a Member, Living or Deceased

[anticipated 1-hour discussion]
(Staff background materials enclosed.) [pages 99-116]

The chair has authorized a supplemental mailing for late materials for this item. Co-drafters are assigned to submit materials for this item to staff by 2:00 pm on August 10th, to be included in the supplemental mailing. The chair has requested that lead drafters confer with co-drafters in the development of materials.)

*Betzner
George

K. Consideration of Rule 2-400. Prohibited Discriminatory Conduct in a Law Practice

[anticipated 1-hour discussion]
(Staff background materials enclosed.) [pages 117-122]

The chair has authorized a supplemental mailing for late materials for this item. Co-drafters are assigned to submit materials for this item to staff by

2:00 pm on August 10th, to be included in the supplemental mailing. The chair has requested that lead drafters confer with co-drafters in the development of materials.)

*Vapnek
Peck
Ruvolo

L. Consideration of Rule 3-110. Failing to Act Competently

[anticipated 1-hour discussion]

(Materials enclosed.) [pages 123-142]

All Commission members are assigned to review the materials and send any comments to the co-drafters by 2:00 PM on Monday, August 16, 2004. Only matters raised in these comments will be considered at the August meeting. All other matters are subject to being deemed approved as presented by the co-drafters.)

*Ruvolo
Foy
Julien

M. Consideration of Rule 3-120. Sexual Relations With Client

[anticipated 1-hour discussion]

(Staff background materials enclosed.) [pages 143-158]

The chair has authorized a supplemental mailing for late materials for this item. Co-drafters are assigned to submit materials for this item to staff by 2:00 pm on August 10th, to be included in the supplemental mailing. The chair has requested that lead drafters confer with co-drafters in the development of materials.)

*Voogd
George
Tuft

N. Consideration of Rule 3-200. Prohibited Objectives of Employment

[anticipated 1-hour discussion]

(Materials enclosed.) [pages 159-172]

All Commission members are assigned to review the materials and send any comments to the co-drafters by 2:00 PM on Monday, August 16, 2004. Only matters raised in these comments will be considered at the August meeting. All other matters are subject to being deemed approved as presented by the co-drafters.)

*Lamport
Tuft
Voogd

O. Consideration of Rule 3-300. Avoiding Interests Adverse to a Client

[anticipated 1-1/2 hour discussion]

(Comment & staff background materials enclosed.) [pages 173-190]

The chair has authorized a supplemental mailing for late materials for this item. Co-drafters are assigned to submit materials for this item to staff by

2:00 pm on August 10th, to be included in the supplemental mailing. The chair has requested that lead drafters confer with co-drafters in the development of materials.)

**STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT**

CLOSED SESSION AGENDA*

**Friday, August 27, 2004
(4:45 pm - 5:00 pm)**

**LA–State Bar Office
1149 So. Hill Street, Room 723
Los Angeles, CA 90015**

- I. APPROVAL OF CLOSED SESSION SUMMARIES FROM THE MAY 7 & 8, 2004 AND JULY 9, 2004 MEETINGS**
(Draft action summaries to be circulated prior to August meeting.)

- II. ADVICE OF COUNSEL ON OPEN SESSION AGENDA ITEMS**

- III. ACTION ITEMS.**
 - A. Emergency action items, if any.**

* Closed pursuant to Article 3, Section 2, Subdivision (b), Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors.